

Remarks

The Office Action of September 21, 2009 has been carefully considered. Claims 1, 2 and 13 are currently amended. Claims 1 – 3 and 5 - 19 are currently pending.

Claim Objection

Claim 2 is objected to as having two (2) periods. Claim 2 is amended to delete a period.

Claim Rejections

Claim Rejections - 35 U.S.C. § 112

Claims 13 and 14 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Office Action indicates the parameters "i", Bi, group (1) and group (2) lack antecedent basis. Claim 13 is amended to so that Bi is changed to P(Bi) and to identify group (1) and group (2). "i" is defined in the claim as 1 or 2.

Claim Rejections - 35 U.S.C. § 102/103

Claims 1 - 3 and 5 - 19 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 102(b) as being unpatentable over Kegley (WO 00/12645). This rejection is traversed.

Claim 1 is amended so that K1 comprises at least a unit consisting of P(A1)-P(B1)-P(A1) and K2 comprises at least a unit consisting of P(B2)-P(A2)-P(B2). In contrast to the invention as claimed, Kegley discloses an ABAD tetra block copolymer and ABA triblock copolymer. ABAD is not the same as the recited BAB

component. Accordingly, the reference does not anticipate the currently pending claims.

Additionally, the Kegley discloses this combination as optional. Kegley specifically contemplates using the ABAD copolymer and the ABA copolymer alone. Specifically, Kegley teaches a linear block copolymer of the formula of ABAD and/or ABA. Clearly the reference does not recognize the importance of a mixture between the triblock copolymer and its inverse triblock copolymer wherein the combination provides unexpected results as discussed with regard to the previous references. Accordingly, removal of the rejection is respectfully requested.

Double Patenting Rejection

Claims 1 - 3 and 5 – 19 of are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 35 of U.S. Patent No. 6,703,441. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 15 of U.S. Patent No. 7,067,581. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 25 of U.S. Patent No. 6,723,407.

Claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 11 over co-pending Application No. 10/537,469. Terminal disclaimers were filed with the previous response but were not accepted. Replacement Terminal Disclaimers will be filed once the pending rejections have been resolved.

Conclusion

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1 - 3 and 5 - 19 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

By



Christopher S. Casieri
Attorney for Applicants
Reg. No. 50,919

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NORRIS MCLAUGHLIN & MARCUS, PA.
721 Route 202 - 206
P.O. BOX 5933
Bridgewater, NJ 08807-5933
Telephone: (908) 722-0700
Fax: (908) 722-0755

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